

By the Committees on Appropriations; and Criminal Justice; and
Senator Ring

576-04511-16

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1 A bill to be entitled

2 An act relating to criminal justice system interviews
3 of individuals with autism or an autism spectrum
4 disorder; providing a short title; creating s.
5 943.0439, F.S.; requiring a law enforcement officer,
6 correctional officer, or another public safety
7 official to make a good faith effort, upon the request
8 of a parent, a guardian, or the individual, to ensure
9 that specified professionals are present at all
10 interviews of an individual diagnosed with autism or
11 an autism spectrum disorder; providing specifications
12 for the professional; specifying that the parent,
13 guardian, or individual bears the expense of hiring
14 the professional; requiring a convicted defendant to
15 pay for the professional under certain circumstances;
16 specifying that not having a professional present is
17 not a basis for suppressing statements or for bringing
18 a cause of action; providing applicability; requiring
19 law enforcement agencies to develop and implement
20 appropriate policies and provide training; providing
21 an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. This act may be cited as "The Wes Kleinert Fair
26 Interview Act."

27 Section 2. Section 943.0439, Florida Statutes, is created
28 to read:

29 943.0439 Interviews of victims, suspects, or defendants
30 with autism or an autism spectrum disorder.—A law enforcement
31 officer, a correctional officer, or another public safety

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32 official shall, upon the request of an individual diagnosed with
33 autism or an autism spectrum disorder or his or her parent or
34 guardian, make a good faith effort to ensure that a
35 psychiatrist, psychologist, mental health counselor, special
36 education instructor, clinical social worker, or related
37 professional is present at all interviews of the individual. The
38 professional must have experience treating, teaching, or
39 assisting patients or clients who have been diagnosed with
40 autism or an autism spectrum disorder or related developmental
41 disability or must be certified in special education with a
42 concentration focused on persons with autism or an autism
43 spectrum disorder. All expenses related to the attendance of the
44 professional at interviews shall be borne by the requesting
45 parent, guardian, or individual. If the individual is a victim,
46 the defendant shall reimburse the victim for all expenses
47 related to the attendance of the professional at the interview,
48 in addition to other restitution or penalties provided by law,
49 upon conviction of the offense of which the individual is a
50 victim. Failure to have a professional as defined by this
51 subsection present at the time of the interview is not a basis
52 for suppression of the statement or the contents of the
53 interview or for a cause of action against the law enforcement
54 officer or agency. This subsection applies to such an individual
55 who is the victim, a suspect, or a defendant formally accused of
56 a crime.

57 (2) Each law enforcement agency must ensure that
58 appropriate policies are developed which implement this section
59 and that training is provided to its law enforcement and
60 correctional officers based on those policies.

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Section 3. This act shall take effect July 1, 2016.